



SUSANIN WIDMAN & BRENNAN, PC
COUNSELLORS AT LAW

May 17, 2018

Via ECF

Honorable Michael A. Hammer
United States Magistrate Judge
Martin Luther King, Jr. Courthouse
50 Walnut Street, 2nd Fl.
Newark, NJ 07102

Re: George R. Laufenberg v. Northeast Carpenters Funds et al.
Civil Action No.: 2:17-01200 (MCA)(MAH)

Dear Magistrate Judge Hammer:

Kindly accept this letter in response to Plaintiff's letter dated May 17, 2018 requesting a scheduling conference to address the immediate commencement of discovery. I am also including (attached) an e-mail I sent to Mr. Till before he filed his letter with Your Honor. He graciously responded to my request to update his letter by filing a copy of this email with the Court.

As my email explains, we agree that a scheduling conference would be helpful, but we do not agree that discovery should commence before the Court rules on the Motion for Judgment on the Pleadings that we intend to file before May 31st. For the reasons more fully described in our Response to Plaintiff's Motion for Expedited Relief and supporting Memorandum of Law filed on March 1, 2018, we believe that the Motion for Judgment on the Pleadings will resolve many of the issues in this litigation without the need for or cost of discovery. To that end, we have revised Your Honor's October 27, 2017 Scheduling Order to reflect the events that have occurred thereafter and are submitting it as a proposed order for your consideration and, of course, Mr. Till's response.

Thank you for your consideration of this response and request.

Respectfully submitted,



Elizabeth K. Schlax
John H. Widman
Attorneys for Defendants

cc: Peter Till, Esq. (via ECF)

Aimee Davis

From: Elizabeth Schlax
Sent: Thursday, May 17, 2018 3:58 PM
To: Aimee Davis
Subject: FW: George Laufenberg v. Northeast Carpenters Funds

From: John Widman
Sent: Thursday, May 17, 2018 11:43 AM
To: 'Peter Till' <pwt@till-law.com>
Cc: Elizabeth Schlax <eschlax@swbcounsellors.com>
Subject: George Laufenberg v. Northeast Carpenters Funds

Pete,

Sorry for the delay in responding. Quite honestly, I was a little confused and surprised by your request. We are proceeding, in principal, pursuant to the guidance offered by Judge Hammer's October 27th Scheduling Order, in which he and we agreed that all discovery (depositions, interrogatories, document production, etc.,) would be suspended once the pleadings were closed and until the Court resolved our proposed motions (our motion for judgment on the pleadings and your motion for expedited relief regarding the annuity account). We agree, of course, that the dates set forth in that Scheduling Order are no longer applicable, given Judge Arleo's dismissal of the case. However, we are proceeding within the spirit of and along the same timeline as that reflected in the October 27th Order and intend to file our Motion for Judgement on the Pleadings within the next two weeks, which is a little more than a month after the new round of pleadings have been closed. We understand that Judge Arleo's time has been consumed in large part by a major criminal trial which ended in a hung jury and is now being retired. It may be advisable for us once again to request Judge Hammer to assist us in scheduling and, if you agree, hearing our respective motions.

Let me know and I would be happy to prepare a joint request to Judge Hammer for a new scheduling conference.

Thanks,

Jack

*JOHN H. WIDMAN * SUSANIN, WIDMAN, & BRENNAN, P.C. * 656 EAST SWEDESFORD ROAD * SUITE 330 * WAYNE, PA 19087 * P. (610) 710-4510 * F. (610) 710-4520. Any tax advice contained in this communication (including any attachments) is not intended or written to be used and, pursuant to Treasury Regulations, cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein. This email contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Individual (s) named above. If you are not the intended recipient of this email, or the employee or agent responsible for delivering this to the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify us by telephone at (610)-710-4510*

From: Peter Till <pwt@till-law.com>
Sent: Wednesday, May 16, 2018 8:14 AM

To: John Widman <JWidman@swbcounselors.com>

Subject: Laufenberg

Under the circumstances of the present status of matters, would you kindly give your consent with proceeding with Depositions? I am available to examine both calendars for purposes of mutually convenient scheduling.

Could I please have your response before the close of business today?

Peter

--

Peter W. Till

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

George R. Laufenberg	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 2:17-cv-01200
v.	:	
	:	
Northeast Carpenters Pension Fund,	:	
Northeast Carpenters Annuity Fund,	:	
Northeast Carpenters Health Fund,	:	
Northeast Carpenters Apprentice Fund,	:	
and	:	
The Board of Trustees for the Northeast	:	
Carpenters Pension, Annuity, Health &	:	
Apprentice Funds	:	
	:	
Defendants.	:	

ORDER

THIS MATTER having come before the Court on Plaintiff's request for a scheduling order regarding discovery; and for good cause shown:

IT IS on this _____ day of _____, 2018,

ORDERED THAT:

1. Any motions to dismiss must be filed no later than **May 31, 2018**. Oppositions must be filed by **June 11, 2018**. Replies must be filed by **June 18, 2018**.
2. All discovery is stayed pending resolution of dispositive motions.

BY THE COURT:
